IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 19234 of 2006(M)

PETITIONER:

K.V.JOSEPH,
MANAGING DIRECTOR,
CO-OPERATIVE RUBBER MARKETING SOCIETY LTD.
NO.F 1879, P.B.NO.161,KOZHIKODE.

BY ADV. SRI.P.P.JACOB

RESPONDENTS:

---

1. THE JOINT REGISTRAR CO-OPERATIVE SOCIETIES (G), KOZHIKODE.

2. REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

3. STATE OF KERALA, REP.BY SECRETARY TO GOVT CO-OPERATIVE (C) DEPARTMENT,SECRETARIAT, TRIVANDRUM.

BY ADV. SHRI.P.K.RAVI KRISHNAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 19234/2006

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE GO(MS) 7/96/CO-OP. DATED 25/01/96 OF THE GOVT.

P2 : COPY OF THE CIRCULAR NO.15/97 ISSUED BY REGISTRAR, TRIVANDRUM DATED 30/4/97.

P3 : COPY OF THE RESOLUTION NO.67 DATED 25/1/96 OF THE COMMITTEE OF THE SOCIETY OF THE SOCIETY WITH REPRESENTATION FILED BEFORE THE RESPONDENTS.

P4 : COPY OF THE LETTER ISSUED BY ASSISTANT REGISTRAR, KOZHIKKODE TO THE PETITIONER DATED 19/3/97.

P5 : COPY OF THE LETTER ISSUED BY REGISTRAR TO THE PRESIDENT OF THE COMMITTEE DATED 24/1/99.

P6 : COPY OF THE LETTER ISSUED BY REGISTRAR TO THE PETITIONER DATED 07/11/2003.

P7 : COPY OF THE LETTER ISSUED BY JOINT REGISTRAR TO THE PETITIONER DATED 17/6/04.

P8 : COPY OF THE LETTER ISSUED BY REGISTRAR TO THE PRESIDENT OF THE SOCIETY DATED 08/10/2004.

P9 : COPY OF THE LETTER ISSUED BY PRESIDENT OF THE SOCIETY TO THE REGISTRAR DATED 15/11/04.

P10 : COPY OF THE LETTER ISSUED BY PETITIONER BEFORE THE REGISTRAR, TRIVANDRUM DATED 09/12/2005.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 19234 of 2006 M

Dated, this the 2nd day of April, 2007

J U D G M E N T

Prayer in the WP(C) is for a direction to the respondents 1 and 2 to approve pay scale to the petitioner in accordance with Ext.P1 general order issued by the Government. According to the learned counsel for the respondents, petitioner was retired and therefore he has to get only arrears of increased wages, which according to him petitioner is entitled. However, the learned Government Pleader submitted that vigilance enquiry is pending against the Petitioner and therefore no claim of the petitioner can be considered in between. Even though learned counsel for the petitioner submitted that no Vigilance case is pending to the knowledge of the petitioner, the same does not bar the Vigilance Department from proceeding with enquiry, if there is any enquiry initiated. In the circumstance, WP(C) is disposed of directing the Vigilance Department to complete the enquiry within four months from the date of production of a copy

of this judgment by the petitioner. As and when Vigilance enquiry is over, based on the result of the same, petitioner's claim will be settled by the first or second respondent.

This WP(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg